

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 17474US02)

***In the Application of:***

YAMANAKA, AKIRA et al.

***Serial No.:*** 10/773,804

***Filed:*** February 6, 2004

***For:*** METHOD AND SYSTEM FOR  
MEASURING IQ PATH MISMATCH

***Examiner:*** Emmanuel Bayard

***Group Art Unit:*** 2611

***Confirmation No.:*** 8463

---

Transmitted via the Office electronic filing  
system **August 9, 2011.**

**APPLICATION FOR RECONSIDERATION OF THE  
DETERMINATION OF PATENT TERM ADJUSTMENT  
UNDER 35 U.S.C. 154(b)  
ACCOMPANYING THE NOTICE OF ALLOWANCE  
(37 CFR § 1.705)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

The Applicants respectfully request reconsideration of the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) (PTOL-85) accompanying the Notice of Allowance mailed May 13, 2011 ("the Decision"), to the extent indicated in the following discussion and the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR. This application for reconsideration of the Decision is being filed after the date of mailing of the Notice of Allowance and no later than the payment of the issue fee.

This application for reconsideration of the Decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the Decision includes below a statement of the facts involved in sufficient detail to allow the United States

Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items.

The Applicants' calculation shows that the correct patent term adjustment should be 1734 days.

The basis under § 1.702 for the adjustment is as follows.

## **Positive Patent Term Adjustment**

### **Fourteen Month Guarantee (35 USC § 154(b)(1)(A)(i))**

The USPTO calculation of the patent term adjustment under the 14-month deadline for mailing the first Office action on the merits, a Restriction Requirement, or a Notice of Allowance was 490 days. The Applicants disagree with this determination because the patent term adjustment under the 14-month deadline should be 699 days, from April 6, 2005, to March 6, 2007.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the application was filed under 35 USC 111(a) on February 6, 2004,
- the fourteen-month deadline was April 6, 2005,
- the first one of a first Office action on the merits, a Restriction Requirement, or a Notice of Allowance was mailed on March 6, 2007, and
- the date stated in the last point was 699 days after the fourteen-month deadline, which should be the patent term adjustment under this ground.

## **Net Patent Term Adjustment**

The changes requested by the Applicants to the USPTO patent term adjustment determination in the Decision are as follows:

## Positive Patent Term Adjustment

- **Fourteen Month Guarantee**  
**(35 USC § 154(b)(1)(A)(i))**

	<b>Patent Term Adjustment (days)</b>
<b>USPTO Calculation</b>	490
<b>Applicant Calculation</b>	699

### Conclusion

The Applicants request modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicants is thus 1734 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: August 9, 2011

By: /Ognyan I. Beremski/  
Ognyan I. Beremski  
Reg. No. 51,458  
Attorney for Applicants

McANDREWS, HELD & MALLOY, LTD.  
500 West Madison Street  
Chicago, Illinois 60661  
Telephone: (312) 775-8000

10/773,804 METHOD AND SYSTEM FOR MEASURING IQ PATH MISMATCH

05-13-  
2011::17:19:11**Patent Term Adjustments**

Patent Term Adjustment (PTA) for Application Number: 10/773,804

Filing or 371(c) Date:	02-06-2004	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	1525
A Delays:	490	PTO Manual Adjustments:	0
B Delays:	0	Applicant Delays:	0
C Delays:	1035	Total PTA Adjustments:	1525

**Patent Term Adjustment History Explanation Of Calculations**

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
69	05-13-2011	Mail Notice of Allowance			0
68	05-10-2011	Office Action Review			0
67	05-10-2011	Office Action Review			0
66	05-10-2011	Issue Revision Completed			0
65	05-10-2011	Document Verification			0
64	05-09-2011	Notice of Allowance Data Verification Completed			0
63	05-09-2011	Case Docketed to Examiner in GAU			0
62	05-06-2011	Reasons for Allowance			0
61	05-06-2011	Allowability Notice			0
58	04-01-2011	Amendment/Argument after BPAI Decision			0
57	02-02-2011	Mail BPAI Decision on Appeal - Affirmed in Part	1035		37
56	02-01-2011	BPAI Decision - Examiner Affirmed in Part			0
55	03-14-2009	Docketing Notice Mailed to Appellant			0
54	03-14-2009	Assignment of Appeal Number			0
53	02-13-2009	Appeal Awaiting BPAI Docketing			0
52	01-28-2009	Mail Reply Brief Noted by Examiner			0
51	01-22-2009	Reply Brief Noted by Examiner			0
48	11-24-2008	Date Forwarded to Examiner			0

47	11-10-2008	Reply Brief Filed		0
46	10-01-2008	Exam. Ans. Review Complete		0
45	09-17-2008	Mail Examiner's Answer		0
44	09-15-2008	Examiner's Answer to Appeal Brief		0
43	07-02-2008	Appeal Brief Review Complete		0
42	07-02-2008	Date Forwarded to Examiner		0
41	06-27-2008	Appeal Brief Filed		0
40	05-27-2008	Mail Appeals conf. Proceed to BPAI		0
39	05-23-2008	Pre-Appeals Conference Decision - Proceed to BPAI		0
38	04-04-2008	Request for Pre-Appeal Conference Filed		0
37	04-04-2008	Notice of Appeal Filed		0
36	03-21-2008	Mail Advisory Action (PTOL - 303)		0
35	03-17-2008	Advisory Action (PTOL-303)		0
34	03-10-2008	Date Forwarded to Examiner		0
33	03-07-2008	Amendment after Final Rejection		0
32	01-07-2008	Mail Final Rejection (PTOL - 326)		0
31	01-04-2008	Final Rejection		0
29	11-05-2007	Date Forwarded to Examiner		0
28	10-22-2007	Response after Non-Final Action		0
27	08-02-2007	Mail Non-Final Rejection		0
26	08-01-2007	Non-Final Rejection		0
24	05-24-2007	Date Forwarded to Examiner		0
23	05-21-2007	Response after Non-Final Action		0
22	03-06-2007	Mail Non-Final Rejection	490	19
21	03-02-2007	Non-Final Rejection		0

20	02-27-2007	Case Docketed to Examiner in GAU	0
19	07-01-2005	Response to Notice of Lost Image	0
18	07-28-2006	Case Docketed to Examiner in GAU	0
17	07-11-2006	Correspondence Address Change	0
16	07-11-2006	Change in Power of Attorney (May Include Associate POA)	0
15	04-14-2005	Mail Notice of lost Image document	0
14	04-14-2005	Notice of lost Image document	0
13	03-01-2005	IFW TSS Processing by Tech Center Complete	0
12	03-01-2005	Case Docketed to Examiner in GAU	0
11	07-29-2004	Application Return from OIPE	0
10	07-29-2004	Application Return TO OIPE	0
9	07-29-2004	Application Dispatched from OIPE	0
8	07-29-2004	Application Is Now Complete	0
7	07-07-2004	Additional Application Filing Fees	0
6	07-07-2004	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	0
5	05-10-2004	Notice Mailed--Application Incomplete--Filing Date Assigned	0
4	03-17-2004	Cleared by OIPE CSR	0
3	03-17-2004	CASE CLASSIFIED BY OIPE	0
2	02-20-2004	IFW Scan & PACR Auto Security Review	0
1	02-06-2004	Initial Exam Team nn	0
0.5	02-06-2004	Filing date	0

---

[Close Window](#)

**Ser. No. 10/773,804**

Docket No. 17474US02

		USPTO CALCULATION	
DATE	EVENT	PTO Delay	Appl. Delay
5/13/2011	Mail Notice of Allowance		
5/10/2011	Office Action Review		
5/10/2011	Office Action Review		
5/10/2011	Issue Revision Completed		
5/10/2011	Document Verification		
5/9/2011	Notice of Allowance Data Verification Completed		
5/9/2011	Case Docketed to Examiner in GAU		
5/6/2011	Reasons for Allowance		
5/6/2011	Allowability Notice		
4/1/2011	Amendment/Argument after BPAI Decision		
2/2/2011	Mail BPAI Decision on Appeal - Affirmed in Part	1035	
2/1/2011	BPAI Decision - Examiner Affirmed in Part		
3/14/2009	Docketing Notice Mailed to Appellant		
3/14/2009	Assignment of Appeal Number		
2/13/2009	Appeal Awaiting BPAI Docketing		
1/28/2009	Mail Reply Brief Noted by Examiner		
1/22/2009	Reply Brief Noted by Examiner		

[illegible]







